

REMARKS

Upon entry of the foregoing amendments, claims 1, 3, 6 and 7 (4 total claims, 1 independent claim) remain pending in this application. No new matter has been introduced by these amendments. Reconsideration of this application in view of the following remarks is respectfully requested.

Preliminarily, in the Office Action, various of the claims stand rejected under 35 U.S.C. §103 as being obvious in light of the cited references Morrison (U.S. Patent No. 5,879,694) and Craig (U.S. Patent No. 5,383,954). However, in the interests of expediting prosecution and focusing on particular aspects of the present invention, Applicants have amended claims 1, 3 and 6 and submit place the claims in condition for allowance. For similar reasons, Applicants have canceled claims 2,4-5 and 8-16, thus mooted the rejections to those claims. Accordingly, Applicants request any rejections relating to these canceled claims be withdrawn.

That said, claim 1-12 stand rejected under 35 U.S.C. §103 as being unpatentable over Morrison in view of Craig. In particular, the Office Action states that Morrison teaches a candle composition comprising a candle matrix and a glitter material. While the Office Action concedes that Morrison is silent with respect to physical and chemical properties of its glitter material and the relative proportion for adding to the candle matrix, the Office Action states that Craig teaches that glitter includes metal particles or aluminum flakes and that glitter may be of dimensions less than 0.005x0.05x0.005 cm, 0.003x0.03x0.003 cm or 0.001x0.01x0.001cm. Additionally, the Office Action states that Craig discloses using glitter in amounts of less than 15%, 3 to 10% and 4 to 8%.¹

Applicants traverse the rejections. Applicants submit that amended claim 1 recites:

A glitter candle composition comprising a substantially clear, non-paraffin, ester-terminated polyamide resin candle matrix material and an aluminum glitter material present in an amount from about 0.0001% to about 0.1% by weight of the total glitter candle composition, said aluminum glitter material suspended throughout an interior volume of the glitter candle wherein said aluminum glitter material does not produce noxious or harmful emissions and is substantially free of heavy metals.

¹ The Office Action also states that Craig teaches the use of non-metallic flakes, however, Applicants submit that the amendments to the claims to recite aluminum flakes herein render any discussion with respect to non-metallic flakes unnecessary.

Neither of Morrison nor Craig teach the use of a substantially clear, non-paraffin, ester-terminated polyamide resin candle matrix, particularly in connection with the use of aluminum glitter material throughout an *interior volume* of the candle, let alone at the recited weight percentage. In fact, for example, Morrison specifically teaches that decorative features (such as glitter) are located at the *periphery* of the candle, not throughout the interior volume of the candle, for the specific purpose of not interfering with the candle wick (See Col. 7, ll. 35-44).

Further, Craig specifically teaches the use of a paraffin wax, specifically for use with respect to crayons. In this regard, Craig does not contemplate non-paraffin compositions as recited in amended claim 1. Moreover, while Craig does discuss irritating fumes from the glitter during manufacturing of the composition, Craig only addresses these issues under these specific circumstances where, notably, the manufacturing temperatures only ranges up to about 110 to 121°C. (Col. 5, ll. 38). Nowhere does Craig address the difficulties unique to candle applications, particularly those encountered with the melting of the candle composition during use by the consumer as occurs when a flame (obviously, a prerequisite in candle applications), which has temperatures of 1400°C and higher, is in proximity to the glitter material.

Therefore, Applicants submit that at a minimum, there is no teaching, motivation or suggestion to combine Morrison and Craig, and even in the event of hindsight reconstruction and improperly combining the references, each and every element of amended claim 1 is not disclosed, taught, or suggested by Morrison and/or Craig. As such, amended claim 1 is not rendered obvious and accordingly, Applicants respectfully request withdrawal of the rejection to claim 1.

Likewise, as claims 3, 6 and 7 variously depend from allowable claim 1, Applicants submit that these claims are likewise allowable, and respectfully request withdrawal of the rejection of these claims as well.

Last, as mentioned above, while various other rejections are set forth in the Office Action, they relate to canceled claims and therefore are obviated.

CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that pending claims 1, 3, 6 and 7 properly set forth that which Applicants regard as their invention

and is allowable over the cited prior art.

Accordingly, Applicants respectfully request allowance the pending claim. The Examiner is invited to telephone the undersigned at (602) 382-6337 at the Examiner's convenience, if that would help further prosecution of the subject Application. Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814.

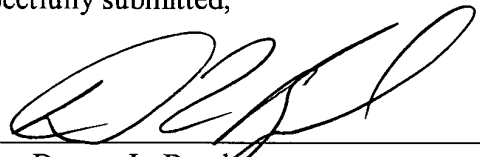
This statement does NOT authorize charge of the issue fee.

Respectfully submitted,

Dated:

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By:


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